

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

LARGAN PRECISION CO., LTD.,

Plaintiff,

v.

**ABILITY OPTO-ELECTRONICS
TECHNOLOGY CO., LTD., ET AL.,**

Defendants.

Case No. 4:19-cv-00696-ALM

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to Patent Rule 4-3, the Amended Scheduling Order dated March 27, 2020 (Dkt. #80) (the “Scheduling Order”), Plaintiff Largan Precision Co., Ltd. (Largan) and Defendants Ability Opto-Electronics Technology Co., Ltd., HP Inc., and Newmax Technology Co., Ltd. (collectively, “Defendants”) (all parties, collectively, the “Parties”), respectfully submit this Joint Claim Construction and Prehearing Statement.

I. AGREED CLAIM CONSTRUCTIONS

Pursuant to Local Patent Rule 4-3(a)(1), the Parties state that, since the Local Patent Rule 4-2(a) Exchange of Preliminary Claim Constructions and Extrinsic Evidence, they have agreed to the construction of the claim term “central thickness,” which appears in claim 1 of United States Patent No. 9,146,378, as “the thickness of a lens as measured at its optical axis.” This leaves three disputed terms for construction.

II. PROPOSED CONSTRUCTIONS AND INDEFINITENESS POSITIONS AND IDENTIFICATION OF INTRINSIC AND EXTRINSIC EVIDENCE

Pursuant to Local Patent Rule 4-3(a)(2), attached hereto as **Exhibit A** are Largan's proposed claim constructions and corresponding identification of references to intrinsic and extrinsic evidence.

Pursuant to Local Patent Rule 4-3(a)(2), attached hereto as **Exhibit B** are Defendants' proposed claim constructions and corresponding identification of references to intrinsic and extrinsic evidence.

III. ANTICIPATED LENGTH OF HEARING

Pursuant to Local Patent Rule 4-3(a)(3), the Parties anticipate that the claim-construction hearing will require two (2) hours. This is down from the parties' previous estimate of three (3) hours,¹ and results from the parties' narrowing of disputed claim terms through the Local Patent Rule process.

IV. WITNESSES

Pursuant to the Local Patent Rule 4-3(a)(4), the Parties do not intend to call live witnesses at the claim-construction hearing.

V. PREHEARING CONFERENCE

Pursuant to Local Patent Rule 4-3(a)(5), the Parties do not believe that a prehearing conference is necessary.

VI. CLAIM CONSTRUCTION BRIEF PAGE LIMITS

The Parties agree that for this particular case, (1) Largan be allotted a total of thirty (30) pages for its opening and reply claim construction briefs, with Largan deciding how many of these

¹ Dkt. #64, at 10.b.6.

total pages it will use in its opening brief and in its reply brief, and (2) Defendants will similarly be allotted thirty (30) pages for their responsive claim construction brief, resulting in an equal number of total pages for each side for claim construction briefing.

Dated: July 13, 2020

Respectfully submitted,

/s/ R. William Sigler

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CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2020, I caused the foregoing document to be served *via* the Court's CM/ECF system on all counsel of record per Local Rule CV-5(a)(3).

Date: July 13, 2020

/s/ R. William Sigler
R. William Sigler